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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

9 PRECISION REPLACEMENT PARTS  
10 CORP., a Washington corporation,

11 Plaintiff,

12 v.

13 AUTO GLASS COMPONENTS, INC.,  
an Iowa corporation,

14 Defendant.  
15

Case No. C04-0566L

ORDER DENYING  
MOTION TO QUASH

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17 **I. INTRODUCTION**

18 This matter comes before the Court on a motion filed by defendant Auto Glass  
19 Components, Inc. ("AGC") to quash the deposition subpoena that plaintiff Precision  
20 Replacement Parts Corporation ("Precision") issued to Steven F. Dummermuth; the deposition is  
21 currently scheduled to be held in Cedar Rapids, Iowa on August 3, 2005. (Dkt. #46).

22 For the reasons set forth below, the Court denies the motion to quash.

23 **II. DISCUSSION**

24 Mr. Dummermuth is the president of AGC and its parent corporation, Iowa Glass Depot,  
25 Inc. ("Iowa Glass"). AGC has not listed him as a witness. AGC argues that a protective order is  
26 appropriate because Mr. Dummermuth is not involved in the day to day operations of AGC, he  
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1 cannot provide information relevant to the claims in this lawsuit, Precision has noted the  
2 deposition of Mr. Dummermuth to harass and embarrass him, and the deposition would be  
3 cumulative because the deposition of Rule 30(b)(6) designee Jay Morrissey, an officer of both  
4 AGC and Iowa Glass, is scheduled to occur shortly.<sup>1</sup>

5 The Federal Rules of Civil Procedure allow parties to conduct broad discovery into  
6 matters “reasonably calculated to lead to the discovery of admissible evidence.” Fed. R. Civ. P.  
7 26(b)(1). A party seeking a protective order “must demonstrate that ‘good cause’ exists for the  
8 protection of that evidence. ‘Good cause’ is established where it is specifically demonstrated  
9 that disclosure will cause a ‘specific prejudice or harm.’” Rivera v. Nibco, Inc., 384 F.3d 822,  
10 827 (9th Cir. 2004) (quoting Phillips ex rel. Estates of Bryd v. General Motors Corp., 307 F.3d  
11 1206, 1210-11 (9th Cir. 2002)). The requesting party bears the burden of showing that specific  
12 harm or prejudice will result and must make “specific demonstrations of fact” supported by  
13 “concrete examples” instead of mere “conclusory allegations of potential harm.” Foltz v. State  
14 Farm Mutual Auto Ins. Co., 331 F.3d 1122, 1130-31 (9th Cir. 2003). The purpose of any  
15 protective order “is to prevent harm by limiting disclosure of *relevant and necessary*  
16 *information.*” See Cacique, Inc. v. Reiser & Co., Inc., 169 F.3d 619, 622-23 (9th Cir. 1999)  
17 (emphasis in original; internal citation and quotation omitted). Precision argues that the  
18 information sought in the deposition is relevant to its claims of copyright and trademark  
19 infringement and to its conspiracy allegation. The evidence does not demonstrate that Mr.  
20 Dummermuth has much involvement in AGC’s day to day operations. However, it does show  
21 that he is at least a high level participant in the company’s sales, business strategies, and  
22 marketing, all of which are related to Precision’s claims. Moreover, this is not a case involving  
23 a discrete occurrence such as a workplace injury; rather, the alleged wrongs were on-going and

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25 <sup>1</sup> The parties dispute whether they have conferred as required by Local Rule 37. In light  
26 of the certification from AGC’s counsel that the conference occurred, the Court will assume that  
27 it did. However, there should not be any dispute regarding that issue before any future  
28 discovery motions are filed.


1 implicate AGC's business strategies and higher level operations. Mr. Dummermuth does not  
2 state that he lacks relevant information. Cf. Elvis Presley Enterprises, Inc. v. Elvisly Yours,  
3 Inc., 936 F.2d 889, 894 (6th Cir. 1991) (affirming decision to quash deposition of Priscilla  
4 Presley, who submitted an affidavit disclaiming knowledge of relevant events). Finally, AGC is  
5 a relatively small company, which increases the likelihood that Mr. Dummermuth has relevant  
6 knowledge as Precision alleges. For these reasons, the Court finds that Precision has made a  
7 sufficient showing of relevance at this stage in the litigation.

8       The Court also considers whether AGC has shown good cause to quash the subpoena.  
9 Although the Court is cautious in allowing the depositions of high level corporate officers,  
10 several factors weigh against a protective order in this case. First, AGC has failed to offer  
11 specific facts or concrete examples of how it will be harmed absent a protective order. Second,  
12 AGC has not shown that the burden of the deposition outweighs the potential benefit. Precision  
13 has mitigated the burden on Mr. Dummermuth by serving the subpoena well in advance and  
14 scheduling the deposition to occur in his workplace. The deposition of Mr. Morrissey, AGC's  
15 Rule 30(b)(6) designee, will occur one day before that of Mr. Dummermuth. Given this timing,  
16 the Court assumes that Precision will conduct Mr. Dummermuth's deposition in a manner  
17 carefully tailored to avoid duplication. Third, although it is possible that Mr. Dummermuth's  
18 deposition testimony could be duplicative of discovery gained from other sources, it is not  
19 necessarily true given his unique position. Finally, although AGC argues that the subpoena was  
20 issued to embarrass and harass, there is no evidence to support that allegation. The Court  
21 therefore finds that AGC has not shown good cause to quash the deposition subpoena.

**III. CONCLUSION**

For the foregoing reasons, the Court DENIES AGC's motion to quash (Dkt. #46).

DATED this 29th day of July, 2005.



Robert S. Lasnik  
United States District Judge